

REMARKS:

In response to the restriction requirement mailed on August 30, 2006, Applicant elects Group I, species I, claims 1-7 as set forth by the examiner for continued prosecution at this time. The requirement for restriction between species I, claims 1-7, and species II, claims 8-14 is respectfully traversed as set forth below.

The Examiner indicated that "Species I, claims 1-7 to a fuel cell system having four distinct shut-off valve [and] Species II, claims 8-14 to a fuel cell system having one shut-off valve...are independent or distinct because the shut-off valve arrangement of each species is materially divergent from one another." However, Applicant respectfully asserts that claims 8-14 are generic as none of these claims preclude having four distinct shut-off valves.

Claim 8 recites an apparatus...comprising a fuel cell stack; a fuel gas flow field; a oxidant flow field; and an adsorbent tank. This is generic to any number of shut-off valves.

Claim 9 depends from claim 8 and further recites first shut off valves. Claim 10 depends from claim 8 and further recites second shut off valves. Claim 11 depends from claim 8 and further recites third shut off valves. Claim 12 depends from claim 8 and further recites a fourth shut off valve. As each of claims 9-12 recites "The apparatus of claim 8, further comprising...shut off valves" (emphasis added), none of these claims precludes the apparatus from having any number of distinct shut off valves. Each of these claims is generic to the number of shut off valves, and each of the apparatus recited in these claims is capable of having four distinct shut off valves and thus overlaps in scope with species I as set forth by the Examiner.

Claim 13 depends from claim 8 and further recites a vacuum pump. Claim 14 depends from claim 8 and further recites a pressure gauge. These are both generic to any number of shut off valves.

Applicant elects group I, species I as set forth by the Examiner, and respectfully asserts that claims 8-14 are generic and claims 1-7 read on the elected species I.

In view of the foregoing remarks it is believed that the application is now in form for examination on the merits and an early and favorable office action is earnestly solicited.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060944-0196).

Respectfully submitted,



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Date